

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOE ELTON MOSLEY, LLC.,

Plaintiff,

v.

CITY OF RENO,

Defendant.

Case No. 3:20-cv-00349-MMD-CLB

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION  
OF MAGISTRATE JUDGE  
CARLA L. BALDWIN

Plaintiff Joe Elton Mosley, LLC brings this case pursuant to 42 U.S.C. § 1983, naming only the City of Reno as a Defendant. Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla L. Baldwin concerning Plaintiff’s application to proceed *in forma pauperis* (“IFP Application”) (ECF No. 1), and *pro se* civil rights complaint (“Complaint”) (ECF No. 1-1). (ECF No. 3.) Plaintiff had until July 14, 2020, to file an objection to the R&R but has not done so. The Court will accept and adopt the R&R in full.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”).

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1 Because there is no objection, the Court does not conduct de novo review and is  
2 satisfied that there is no clear error. Judge Baldwin recommends that Plaintiff's Complaint  
3 be dismissed *with prejudice* because the lawsuit is utterly deficient—suffering from several  
4 defects—and permitting amendment would be futile. (ECF No. 3 at 3–4.) Among other  
5 things, Judge Baldwin found the following. First, Plaintiff makes no allegations against the  
6 City, which, as noted, is the only named Defendant. (*Id.* at 4.) Second, the Complaint  
7 wholly fails to meet the pleading standards under Federal Rule of Civil Procedure 8(a)(2).  
8 (*Id.*) Third, Plaintiff was not found to be a registered entity and, even if it was entitled to  
9 bring suit, is being purportedly and improperly represented by non-attorney Joe Elton  
10 Mosley. (*Id.*) Upon reviewing the Complaint, the Court agrees with Judge Baldwin's  
11 recommendation of dismissal with prejudice and will therefore accept the R&R in full.

12 It is therefore ordered, adjudged, and decreed that the Report and  
13 Recommendation of Magistrate Judge Carla L. Baldwin (ECF No. 3) is accepted and  
14 adopted in its entirety.

15 It is further order that the IFP Application (ECF No. 1) is granted.

16 It is further ordered that the Clerk of the Court file the Complaint (ECF No. 1-1).

17 It is further ordered that the Complaint is dismissed with prejudice and without leave  
18 to amend.

19 It is further ordered that the Clerk enter judgment accordingly and close this case.

20 DATED THIS 17<sup>th</sup> day of July 2020.

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23 MIRANDA M. DU  
24 CHIEF UNITED STATES DISTRICT JUDGE  
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